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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,324	10/21/1999	John P SENATORE		5395
34678	7590	07/18/2005		EXAMINER
NORMAN E. LEHRER, P.C. 1205 NORTH KINGS HIGHWAY CHERRY HILL, NJ 08034				WONG, ALLEN C
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/422,324	SENATORE, JOHN P
Examiner	Art Unit	
Allen Wong	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 February 2005 and 13 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 4-6 and 8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 4-6 and 8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 2/24/05 and 5/16/05 have been fully read and considered but they are not persuasive.

The communication filed 5/16/05 by applicant is basically in response to the Notice of Non-Compliance Amendment for complying with the requirements of 37 C.F.R. 1.121.

Regarding the 35 U.S.C. 112 rejection to claim 6, applicant has amended the claim to overcome the 112 rejection and thus, the 112 rejection is withdrawn.

Regarding the newly amended claim 4 and remarks on lines 8-11 on page 5 of applicant's remarks dated 2/24/05, where previous dependent claim 7 was incorporated onto independent claim 4, as to include the limitation of an electrical jack located on the exterior of the vehicle and that can be connected to the recording means. In response, as currently stated in the rejection for the newly amended claim 4, Mazzilli does not disclose an electrical jack located on the exterior of the vehicle and that can be connected to the recording means. However, Watkins teaches the use of a jack (fig.1, note element 20 and element 22 are used together to equivalently function as a jack for connecting a video camera 14). Though Watkins does not mention the vehicle has an exterior jack placement, but it is understood in Watkins and to one of ordinary skill in the art that it would have been obvious to one of ordinary skill in the art to implement, place or shift the location of the jack to any location that may be convenient to the user for permitting the police to obtain important audio and video information during a crime

scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetraders (Watkins col.9, ln.37-47). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mazzilli and Watkins, as a whole, for conveniently permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetraders, as disclosed in Watkins col.2, ln.40-43.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Regarding line 20 on page 5 to line 7 on page 6 of applicant's remarks dated 2/24/05 about claims 5 and 6, applicant states that Miller does not disclose the recording means for recording the information from the odometer and speedometer and that Miller does not teach or render obvious the applicant's invention as it is being claimed. The examiner respectfully disagrees. Since claims 5 and 6 are now being rejected under 35 U.S.C. 103 via the combination of Mazzilli and Watkins in view of Miller since claim 4 is rejected under 35 U.S.C.103 by Mazzilli in view of Watkins.

Again, as stated in the above paragraphs, Mazzilli does not disclose an electrical jack located on the exterior of the vehicle and that can be connected to the recording

means. However, Watkins teaches the use of a jack (fig.1, note element 20 and element 22 are used together to equivalently function as a jack for connecting a video camera 14). Though Watkins does not mention the vehicle has an exterior jack placement, but it is understood in Watkins and to one of ordinary skill in the art that it would have been obvious to one of ordinary skill in the art to implement, place or shift the location of the jack to any location that may be convenient to the user for permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators (Watkins col.9, ln.37-47). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mazzilli and Watkins, as a whole, for conveniently permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators, as disclosed in Watkins col.2, ln.40-43.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings of Miller's

camera facing the speedometer into the combination of Mazzilli and Watkins, together as a whole, for adjusting the camera to face the odometer as well for the same purpose of accurately obtaining all the pertinent and necessary information in a crime scene so that the arresting officer can properly use the recorded information of the encounters with the criminals and perpetrators (col.1, ln.15-22).

Regarding lines 14-15 on page 6 and lines 2-3 on page 7 of applicant's remarks dated 2/24/05 about claims 7 and 8, applicant asserts that the combination of Mazzilli and Watkins do not disclose the portable recording device adapted to be connected to the jack. The examiner respectfully disagrees. For the sake of brevity, the examiner has already addressed this limitation in the newly amended claim 4 in the above paragraphs. See the above paragraphs and in the rejection below.

In conclusion, all of the broadly claimed limitations have been addressed and met by the teachings outlined in this Office Action. Thus, the rejection of claims 4-6 and 8 is sustained.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzilli (6,333,759) in view of Watkins (6,215,518).

Regarding claim 4, Mazzilli discloses an observation and recording system for a motor vehicle (see title and abstract) comprising:

camera means carried by the motor vehicle (col.2, ln.63 to col.3, ln.2; camera means with a 360° range for video recording everything around the camera housing 5), said camera means being directed at a road in front of the vehicle and at a driver of the motor vehicle (col.2, ln.63 to col.3, ln.2; camera means with a 360° range for video recording everything around the camera housing 5 including the interior of the vehicle, where the driver is located at the interior of the vehicle, and the exterior of the vehicle by video recording through the windshield of the vehicle to obtain the images being directed at a road in front of the vehicle); and

means for recording images of the road in front of the vehicle and of the driver of the motor vehicle observed by said camera means (col.2, ln.63 to col.3, ln.2; the camera means, that consists of plural cameras 11, has a 360° range for video recording everything around the camera housing 5, including the interior of the vehicle, where the driver is located at the interior of the vehicle, and the exterior of the vehicle by video recording through the windshield of the vehicle to obtain the images being directed at a road in front of the vehicle, and that a VCR 18 of fig.1 is used for recording the images obtained by the camera means).

Mazzilli does not specifically disclose an electrical jack located on the exterior of the motor vehicle, wherein said jack is adapted to be connected to said recording means. However, Watkins teaches the use of a jack (fig.1, note element 20 and element 22 are used together to equivalently function as a jack for connecting a video

camera 14). Though Watkins does not mention the vehicle has an exterior jack placement, but it is understood in Watkins and to one of ordinary skill in the art that it would have been obvious to one of ordinary skill in the art to implement, place or shift the location of the jack to any location that may be convenient to the user for permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators (Watkins col.9, ln.37-47). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mazzilli and Watkins, as a whole, for conveniently permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators (Watkins col.2, ln.40-43).

Regarding claim 8, Mazzilli does not specifically disclose including a portable recording device adapted to be connected to the jack for retrieving information from the recording means. However, Watkins teaches the inclusion of a portable recording device adapted to be connected to the jack for retrieving information from the recording means (fig.1, note video camera 14 is a portable recording device that retrieves recorded information, and that camera 14 is connected to the jack, formed by elements 20 and 22). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Mazzilli and Watkins, as a whole, for conveniently permitting the police to obtain important audio and video information during a crime scene, pullover and approaching suspicious individuals to provide evidence of any wrongdoings by perpetrators (Watkins col.2, ln.40-43).

2. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzilli (6,333,759) and Watkins (6,215,518) in view of Miller (4,093,364).

Regarding claim 5, Mazzilli discloses the means for recording information from the interior of the vehicle (col.2, ln.63 to col.3, ln.2; the camera means, that consists of plural cameras 11, has a 360° range for video recording everything around the camera housing 5, including the interior of the vehicle, where the driver is located at the interior of the vehicle). Mazzilli and Watkins do not specifically disclose the means for recording information from the odometer and the speedometer of the vehicle. However, Miller teaches that the camera can observe and record the information from the speedometer (col.2, ln.14-19; camera is adjusted to face the speedometer). Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Miller's camera facing the speedometer into the combination of Mazzilli and Watkins, together as a whole, for adjusting the camera to face the odometer as well for the same purpose of accurately obtaining all the pertinent and necessary information in a crime scene so that the arresting officer can properly use the recorded information of the encounters with the criminals and perpetrators (col.1, ln.15-22).

Regarding claim 6, Mazzilli and Watkins do not disclose the recorded information from the odometer and the speedometer is provided by the camera means. However, Miller discloses the recorded information from the odometer and the speedometer is provided by the camera means (col.2, ln.14-19; camera is adjusted to face the speedometer). Therefore it would have been obvious to one of ordinary skill in the art to combine the teaching of Miller's camera facing the speedometer into the combination of

Mazzilli and Watkins, together as a whole, for adjusting the camera to face the odometer as well for the same purpose of accurately obtaining all the pertinent and necessary information in a crime scene so that the arresting officer can properly use the recorded information of the encounters with the criminals and perpetrators (col.1, ln.15-22).

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 2613

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7/13/05